

NOTE:

The attached pages are corrected pages and should be substituted for the corresponding pages in the record.

5/8/47

21719

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<u>Doc. No.</u>	<u>Ref. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
999	2569		Map showing the various Sectors or Divisions of Hankow, showing various Routes of Entry of the various Units and their disposition		21783
1001	2570		Description of Inscriptions on the Map, "a, b, c..." etc.		21784
1342	2571		Affidavit of SAKURAI, Tokutaro		21792
875	2572		Affidavit of YOKOYAMA, Isamu		21795
1012	2573		Affidavit of ARUGA, Kazunaga		21807

8 MAY 1947

I N D E X
of
EXHIBITS
(cont'd)

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1295	2561		Chief of Staff-Very Secret Central China Operational Order No. 125 - Order to the Expeditionary Army in Central China, dated 24 October, Commanding Head- quarters Kiuking		21729
1274	2562		Excerpt from "Soldiers of the China Expeditionary Forces during the Pacific War"		21735
1370	2563		Affidavit of HASEGAWA, Kiyoshi		21741
1353	2564		Affidavit of AMANO, Shoichi		21748
923	2565		Article appearing on 6 July 1944 in The ASAHI Shimbun (published with the title "Embrace the People with Great Love") dispatched on the 5th from a Member of the Information Corps from the Front Lines of HUNAN Province to Officers and Men		21758
1089	2566		Affidavit of USHIJIMA, Sadao (with the exception of paragraph 3 thereof)		21765
1002	2567		Affidavit of SANO, Torata		21770
1000	2568		Photograph showing the Head- quarters Unit of the SANO Regiment Marching in the Japanese Concession of Hankow		21782

TANAKA

CROSS

1 witness doesn't answer my questions. I asked him
2 to tell what crosses -- the witness was asked what
3 crosses put on the map mean in Japanese military
4 language and the witness remembers that according
5 to his contention the fighting took place at this
6 place.

7 THE PRESIDENT: No, that is not what he
8 said. I do not think you heard him right, General.
9 He said, in effect, those crosses are used by the
10 Japanese military people to indicate where clashes
11 occurred. He did not say that the clashes occurred
12 there.

13 GENERAL VASILIEV: Then I apologize.
14 Probably I don't understand him correctly. I have
15 another question.

16 Q Can you tell, Mr. witness, what regu-
17 lations say that crosses indicate -- by crosses
18 the places where the clashes occur are indicated?

19 A This is army practice; practice of the
20 Japanese Army.

21 Q What are those regulations of the Japanese
22 Army? Can you name them so we can check them?

23 THE PRESIDENT: There are so many that we
24 could not ask him that.

25 GENERAL VASILIEV: If there was such a

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1 MR. FURNESS: My objection, if your Honor
2 please, was to the fact that it calls for the con-
3 clusion of the witness.

4 THE PRESIDENT: The bare facts would
5 not enable us to decide when it is a question of
6 military strategy or military tactics. But, he is
7 an expert. I think the question can be properly
8 put to a man who is an expert.

9 The objection is overruled.

10 Q Will you answer please?

11 A Of course, it must be admitted that Vladi-
12 vostok can be seen from Changkufeng, but I do not
13 believe that Changkufeng had any strategic value
14 from a military point of view, because there were no
15 railroads or roads in the rear and was not an approp-
16 riate base of operation for attack on Vladivostok.
17 It was valueless as a base of operation for attack
18 against Vladivostok.

19 Q As far as I can understand, if Vladivostok
20 is seen from the top of this hill, it could be fired
21 at also from the top of this hill.
22
23
24
25

ISONO

CROSS

1 THE PRESIDENT: Major Furness.

2 MR. FURNESS: I object to these questions,
3 if your Honor please. The affidavit is on record and
4 speaks for itself.

5 THE PRESIDENT: Well, he can't be asked whether
6 he hid anything from you unless he admits there is
7 something which leads to that.

8 MR. FURNESS: It is like asking him "why
9 didn't you answer a question which you weren't asked."

10 COLONEL IVANOV: Your Honor, in his answers
11 to the questions of the cross-examination the witness
12 admits that the documents in question -- admitted the
13 possibility that the documents in question were among
14 the documents and maybe are among them now which were
15 evacuated from Tokyo.

16 THE RUSSIAN MONITOR: The documents which
17 are mentioned in your affidavit.

18 COLONEL IVANOV: (Continuing) If he came to
19 know about this, it is natural to ask why didn't the
20 witness, who was at the head of the Archives Section
21 of the Foreign Office, didn't clarify this question
22 in his affidavit.

23 THE PRESIDENT: As far as I can judge he has
24 stuck to his story as given in the examination in chief.
25 He hasn't said anything inconsistent with that that I

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1 recovering them? Did your predecessor remain re-
2 sponsible or did the responsibility fall on you?

3 THE WITNESS: The question of bringing
4 back these documents to the Foreign Office -- the
5 responsibility rested with my predecessor. I be-
6 lieve that is so.

7 Q What was his name?

8 A I believe it was Section Chief ISONO.

9 THE PRESIDENT: How did the responsibility
10 come to be divided in that way?

11 A During the time that I held the office
12 there were no documents brought back to the Foreign
13 Office -- as a Section Chief. I understand that the
14 documents were brought back from the place where they
15 had been removed to during the time Mr. ISONO was
16 Chief of the Section.

17 Q Now, you referred to a record showing the
18 documents or describing the documents that had been
19 destroyed by fire. Was there also a record showing
20 the documents which had been concealed in air raid
21 shelters and warehouses over Japan?

22 A From what I recall here, only the -- the
23 records only mention the fact of those documents
24 which were destroyed by fire.

25 Q How was it possible, then, to determine

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DIRECT

1 would not have to depend on his recollection over
2 nine years, if we have that.

3 MR. FURNESS: I will be glad to have the
4 witness asked the question about it. We have in-
5 troduced evidence in the past few days with regard
6 to telegrams and messages in the Foreign Office.

7 THE PRESIDENT: Well, get him to clear
8 that up.

9 The telegram which you say was your report
10 is not that referred to in paragraph 4, is it?

11 GENERAL VASILIEV: I think the defense
12 conducting the examination should have asked this
13 question first of all, and not about how he passed
14 his time, what time he got up and what time he went
15 to bed.

16 THE PRESIDENT: Well, I am asking the question,
17 General, you can not object to that.

18 GENERAL VASILIEV: I didn't want to object
19 to your question, your Honor. If you understood it
20 in such way, I beg your pardon, sir.

21 THE WITNESS: Mr. President, you referred to
22 a report or telegram in paragraph 4, but I cannot
23 locate that word in the Japanese text. That is the
24 word "report."

25 THE PRESIDENT: In paragraph 4, you said you

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1 drafted a telegram in the name of the Vice-Consul at
2 Hunchun to the Foreign Minister in Tokyo. In
3 paragraph 8 you refer to your report which you say
4 now was a telegram. The telegram in paragraph 4
5 was not your report. It was something you wrote for
6 the Vice Consul. Can you clear that up?

7 THE WITNESS: Inasmuch as I was on a
8 temporary trip, I had no authority to send telegrams
9 in my name from a place where there was a Consulate
10 or Consular General.

11 THE PRESIDENT: But you filed your report
12 to Tokyo from where? From Hunchun?

13 THE WITNESS: Yes, from Hunchun.

14 THE PRESIDENT: And that report is identical
15 with the telegram you sent in the name of the Vice-
16 Consul, is that so?

17 THE WITNESS: Yes, whenever any telegrams
18 were filed from Hunchun it was filed in the name of
19 the Vice Consul there -- the head of the Consulate
20 there.

21 THE PRESIDENT: Are you prepared to admit --
22 are you prepared not to object to that telegram,
23 General?

24 GENERAL VASILIEV: If that copy will have
25 certificate, due certificate, I will not object to it,

1 MR. TAVENNER: It is "auxiliary material"
2 instead of "auxiliary matter."

3 MR. FURNESS: In my copy it is "matter."

4 THE PRESIDENT: Ordinarily you wouldn't refer
5 to oral testimony as material.

6 MR. TAVENNER: It is "material" everywhere
7 I read it.

8 THE PRESIDENT: And an affidavit would be a
9 document.

10 MR. FURNESS: I tender for identification
11 a document from the Foreign Office, Official Business
12 Report for 1938, compiled by the First Section of the
13 Euro-Asiatic Bureau, Foreign Office, Tokyo, 1938.
14 It is defense document 1511. It is being tendered
15 merely for identification at this point. I will make
16 my tender of the excerpt later.

17 CLERK OF THE COURT: Defense document 1511
18 will receive exhibit No. 2647 for identification only.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2647 for identification.)

22 MR. FURNESS: This document has been on file
23 for the required time under the rules of the Court.

24 I offer in evidence an excerpt from defense
25 document No. 1511, secret Foreign Office official

1 the defense and the Tribunal with the map which was
2 attached to the original of Exhibit 766. I still
3 have a few witnesses which have not yet been avail-
4 able and I am not certain when they will be available,
5 but I will try to produce them as soon as possible.

6 THE PRESIDENT: What is the reason for their
7 non-production now, Major Furness?

8 MR. FURNESS: Some are ill but we expect
9 they will get well, others we have not been able to
10 prepare the affidavits yet. There may be other
11 matters revealed in the record, but I think I have
12 covered them all. With that in mind, Mr. Blakeney
13 will now carry on the next phases of the defense on
14 the Russian phase.

15 THE PRESIDENT: Major Blakeney.

16 MR. BLAKENEY: If the Tribunal please, the
17 next point to be made the object of evidence is the
18 Nomonhan, or Khalkin-Gol incident. I shall first
19 offer in evidence, as proof that the territory in
20 which the soi-disant Mongolian People's Republic was
21 established not only was indisputably Chinese, but
22 had been expressly recognized to be such by the
23 U.S.S.R., DDI576, being excerpts from the convention
24 signed in Peking in 1924 between the U.S.S.R. and the
25 Republic of China.

1 THE PRESIDENT: General Vasiliev.

2 GENERAL VASILIEV: May I ask a question to
3 find out for what purpose is this document presented,
4 and what is the purpose of this document?

5 THE PRESIDENT: I am afraid you will have to
6 leave that to the Bench, if they are in doubt,
7 General. You can raise any objection you like.
8 Major Blakeney gave his reason. Are you going to
9 object to it?

10 GENERAL VASILIEV: I don't see that this
11 document has any relevancy to the issues of the case.

12 THE PRESIDENT: You object to it on the
13 ground of irrelevancy. Major Blakeney, what do you--

14 GENERAL VASILIEV: Yes, your Honor, that is
15 quite correct, your Honor.

16 THE PRESIDENT: Major Blakeney, we will
17 hear you.

18 MR. BLAKENEY: I think the document is
19 clearly relevant for at least four reasons which I
20 shall state seriatim.

21 Firstly, Minister Golunsky, in his opening
22 of the Russian phase for the prosecution, stated on
23 page 7254 of the record that Japan - "knew well of
24 the existing treaty of mutual assistance between
25 the Soviet Union and the Mongolian People's Republic.

1 They knew beforehand that an attack on the territory
2 of this Republic would inevitably lead to a clash
3 of arms with the Soviet Union and consciously were
4 ready to do it." That is the end of the quotation.
5 The Nomonhan incident is thus charged as aggression
6 against the U.S.S.R but if the territory involved
7 was Chinese, the Tribunal may well wonder a little
8 how the case is made out. Japan knowing well that
9 the U.S.S.R's solemn recognition by treaty of the
10 China Sovereignty over outer Mongolia, could in no
11 way have supposed that frontier troubles of outer
12 Mongolia would in any way involve a foreign power.

13 Secondly, I shall presently, on the question
14 of the Manchurian Mongolian frontier or boundary,
15 offer some evidence from Chinese sources. Clearly,
16 the weight to be attached to this evidence may
17 depend to some extent upon the question of sover-
18 eignty over the territory involved. That is, the Chinese
19 can speak of the boundaries of their own country with
20 more authority than those of a foreign country.

21 Thirdly, the evidence has shown, and will
22 show that much of the national and especially military
23 policy of Japan was conditioned by what was considered
24 to be the Soviet menace of which Japan was never
25 unconscious. Japan may well indeed have been moved

1 to take military measures of self-defense by the
2 discovery that the U.S.S.R. was even extending it's
3 military threat by establishing and entering into a
4 military alliance with puppet states on the periphery
5 of Manchuria.

6 And, fourthly, the Soviet encroachment in
7 outer Mongolia has a bearing on the question whether the
8 Nine Power Treaty, Prosecution's Exhibit 28, had
9 become a dead letter, for while the U.S.S.R. was
10 not a signatory of that treaty, nevertheless, it's
11 action in violation thereof could but effect
12 alteration of the fundamental conditions in which,
13 and the hypothesis upon which that treaty which the
14 defendants are charged with violating was grounded.
15 That is my submission, your Honors.

16 GENERAL VASILIEV: Might I be allowed to
17 say a few words?

18 THE PRESIDENT: Well there is no objection,
19 go ahead. We have prevented Mr. Keenan from replying
20 where he opened the debate. If the defense have no
21 objection we will hear you. If they have, we must
22 not allow you.

23 MR. BLAKENEY: No objection whatever.
24
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